

# The Corporation of the City of Kawartha Lakes

## Committee of Adjustment Report – Scott

Report Number COA2019-024

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### Public Meeting

**Meeting Date:** April 18, 2019

**Time:** 1:00 pm

**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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### Ward: 3 – Geographic Township of Fenelon

**Subject:** The purpose and effect is to request relief from the following zone provisions to permit the construction of a two storey single detached vacation dwelling:

1. Section 3.18.1.1 to reduce the building setback to an Environmental Protection (EP) Zone boundary from 15 metres to 10.7 metres;
2. Section 15.2.1.3(e) to reduce the water setback from 15 metres to 10.7 metres; and
3. Section 15.2.1.3(b)(ii) to reduce the interior side yard requirement for a building greater than one storey in height from 2.3 metres to 1.3 metres.

The variances are requested at 3 Ripple Street, geographic Township of Fenelon (File D20-2019-016).

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**Author:** David Harding, Planner II

**Signature:**

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### Recommendation:

**Resolved That** Report COA2019-024 Gregory and Sandra Scott, be received;

**That** minor variance application D20-2019-016 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

### Conditions:

- 1) **That** the construction of the dwelling related to this approval proceed substantially in accordance with the sketch in Appendix D to Report COA2019-024, which shall be attached to and form part of the Committees' decision;
- 2) **That** prior to the issuance of a building permit, the owner shall apply for and complete an Application for a Sewage System Permit with the Building Division – Part 8 Sewage Systems;

- 3) **That** prior to the issuance of a building permit the owner acquires the necessary permissions from Kawartha Region Conservation Authority, pursuant to Ontario Regulation 182/06, as amended for the replacement dwelling, attached garage and associated septic system;
- 4) **That** as part of the permitting process pursuant to Ontario Regulation 182/06, the owner works with Kawartha Region Conservation Authority Stewardship staff to develop and implement a shoreline plantings plan of native, non-invasive species to enhance the fish habitat buffer, as compensation for encroachment into the 30 metre fish habitat buffer and that Kawartha Region Conservation Authority provides confirmation that the planting plan has been implemented to their satisfaction within a period of twenty-four (24) months; and
- 5) **That** the building construction related to the minor variance shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

**This approval pertains to the application as described in report COA2019-024. Fulfillment of all conditions is required for the Minor Variances to be considered final and binding.**

**Background:** The owners are proposing to demolish the existing single storey cottage, constructed circa 1950 (MPAC) and replace it with a two storey cottage with an attached two bay garage. The application was deemed complete February 22, 2019.

**Proposal:** To replace an approximately 98.5 square metre (1,060 square foot) one storey cottage with an approximately 228 square metre (2,454 square foot) two storey cottage with an approximately 52 square metre (560 square foot) attached garage.

**Owners:** Gregory and Sandra Scott

**Applicant:** Tom DeBoer, TD Consulting Inc.

**Legal Description:** Part Lot 27, Concession 10, geographic Township of Fenelon, City of Kawartha Lakes

**Official Plan:** Waterfront within the City of Kawartha Lakes Official Plan

**Zone:** Limited Service Residential Exception One (LSR-1) Zone within the Township of Fenelon Zoning By-law 12-95

**Site Size:** 1,910 square metres (0.47 acres)

**Site Servicing:** Lake-based water supply and holding tank

Existing Uses: Shoreline Residential

Adjacent Uses: North, South: Cameron Lake, Shoreline Residential  
East: Victoria Rail Trail, Agricultural  
West: Cameron Lake

**Rationale:**

- 1) Are the variances minor in nature? Yes**  
And
- 2) Is the proposal desirable and appropriate for the use of the land? Yes**

The subject property is located within a seasonal shoreline residential neighbourhood on the east shore of Cameron Lake. The property is irregularly shaped, resembling a lopsided bow-tie. The west side of the property is the larger of the two ends and where the existing dwelling is located. The east side of the property contains the driveway access for the subject property and the abutting property to the south, 2 Ripple Street.

The shoreline is to the west and south of the dwelling site. Mature trees are found near and along the shoreline on this side. To the north is a cedar hedge which serves as the fence and vegetative buffer between the subject property and 5 Ripple Street.

The variances will facilitate the replacement of a seasonal dwelling that will improve the overall setback to the shoreline. Due to the irregular shape of the property a building envelope plotted without variances would be extremely narrow and long, and would not provide for an effective or functional layout.

The reduced interior side yard setback is not anticipated to adversely impact the ability to perform maintenance along the north side of the dwelling. The reduced interior side yard provides for increased spatial separation between the proposed dwelling and shoreline. As the spatial separation is being slightly increased, no adverse impacts to the available shoreline amenity area are anticipated.

Due to a combination of the existing trees which assist in screening the dwelling from the shoreline, and the fact that the second storey will only be about half the area of the habitable space on the first floor, no adverse massing impacts are anticipated that would negatively impact the character of the shoreline.

Due to the above analysis, the variances are minor in nature and desirable and appropriate for the use of the land.

- 3) Do the variances maintain the intent and purpose of the Zoning By-law? Yes**

The subject property is zoned Limited Service Residential Type One (LSR-1) Zone within the Township of Fenelon Zoning By-law 12-95. The LSR-1 Zone category requires the dwelling to be used as a vacation dwelling. A vacation dwelling is proposed.

The water and Environmental Protection (EP) Zone setbacks are intended to ensure there is sufficient vegetated space between a building and shoreline for the infiltration of storm water and to enhance the ecological function of the lake. The spatial separation between the dwelling and shoreline is being enhanced in all locations with the exception of the swimming area beside the boathouse. Due to the shape of the property, shifting the proposed building envelope east away from the west shoreline increases the proximity to the swimming area. To further enhance the ecological function of the lake, the Kawartha Region Conservation Authority (KRCA) is requesting a planting plan be developed.

The reduced interior side yard setback provides for sufficient maintenance access and Engineering and Corporate Assets Department has raised no concerns with respect to lot grading and drainage. The reduced yard is also not anticipated to adversely impact the use or privacy of the abutting seasonal residential dwelling on 5 Ripple Street as surface parking separates the dwelling on that lot from the mutual lot line. The applicant has advised that there is a desire to continue to maintain a cedar hedge in this area to provide screening.

Therefore, the variance maintains the general intent and purpose of the Zoning By-Law.

**4) Do the variances maintain the intent and purpose of the Official Plan?**

**Yes**

The property is designated Waterfront within the City of Kawartha Lakes Official Plan. Low density residential uses, along with accessory uses, are anticipated within this designation.

As per policy 3.11, the intent of the Official Plan is that development maintains a minimum setback of 15 metres from the shoreline in order to avoid natural hazards which may result in loss of life and/or loss of property, and provide environmental buffers in order to maintain and improve water quality and habitat. In this instance, the lot is too shallow to permit redevelopment that maintains a setback of 15 metres.

It was not the intent of the Official Plan to preclude the redevelopment of shoreline property provided appropriate mitigation measures are followed. The KRCA has proposed mitigation measures via a planting plan that would address potential adverse impacts.

In consideration of the above the variance maintains the general intent and purpose of the Official Plan.

**Other Alternatives Considered:**

As a result of the pre-screening meeting, the proposal was revised to move the dwelling more north and east to improve the water and EP Zone setbacks.

**Servicing Comments:**

The property is serviced by a lake-based water supply and holding tank. The holding tank is proposed to be replaced with a private individual septic system,

which will be constructed on the east side of the lot. A cabin will be demolished to provide for the septic system envelope.

**Consultations:**

Notice of this application was circulated in accordance with the requirements of the Planning Act. Comments have been received from:

**Agency Comments:**

Community Services Department (April 9, 2019): No concerns.

Engineering and Corporate Assets Department (April 8, 2019): No concerns.

Kawartha Region Conservation Authority (April 5, 2019): Is supportive of the proposal provided the following conditions are included in the Committee's decision:

1. That the owners obtain a permit for the proposed works in accordance with Ontario Regulation 182/06; and
2. As part of that permit, a shoreline planting plan to enhance the fish habitat buffer is developed and implemented as compensation for the reduced water setback.

Building Division – Part 8 Sewage Systems (April 5, 2019): A new sewage system is required and the existing holding tank must be decommissioned. The proposed sewage system layout does not reflect the Ontario Building Code's minimum requirements, thought the applicant has advised that plans are forthcoming. A condition is requested to ensure the property may be serviced by a sewage disposal system. The condition is for the owner to complete an Application for a Sewage System Permit.

Building Division (April 4, 2019): No concerns.

**Public Comments:**

No comments were received as of April 9, 2019.

**Attachments:**



Appendices A-E to  
COA2019-024.pdf

Appendix A – Location Map

Appendix B – Aerial Photo

Appendix C – Applicant's Sketch – Existing Conditions

Appendix D – Applicant's Sketch – Proposed Construction

Appendix E – Department and Agency Comments

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**Phone:** 705-324-9411 extension 1206

**E-Mail:** dharding@kawarthalakes.ca

**Department Head:** Chris Marshall, Director of Development Services

**Department File:** D20-2019-016